

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS AUSTIN HILL,

Petitioner,

v.

B. M. TRATE,

Respondent.

Case No. 1:22-cv-01433-KJM-CDB (HC)

ORDER

Petitioner Thomas Austin Hill (“Petitioner”) is a federal prisoner proceeding pro se and *in forma pauperis* with a petition for writ of habeas corpus under 28 U.S.C. § 2241. This matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(17).

On September 12, 2024, Respondent B. M. Trate (“Respondent”) filed a motion to dismiss asserting that the Bureau of Prisons (“BOP”) correctly calculated all applicable time credits and Petitioner failed to exhaust administrative remedies. *See* ECF No. 22. After three extensions of time within which to file his response, Petitioner filed an opposition on February 28, 2025. *See* ECF No. 32. On June 12, 2025, the assigned magistrate judge issued findings and recommendations that the motion to dismiss be granted and the petition be dismissed. *See* ECF No. 33. On July 2, 2025, Petitioner filed objections to the findings and recommendations. *See* ECF No. 34.

////

1       In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court  
2 has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and  
3 recommendations to be supported by the record and by the proper analysis.

4       As the petition is brought under § 2241 and the detention complained of does not arise out of a  
5 process issued by a state court, no certificate of appealability is required. *See Porter v. Adams*,  
6 244 F.3d 1006, 1006-07 (9th Cir. 2001) (citing *Forde v. U.S. Parole Comm'n*, 114 F.3d 878, 879  
7 (9th Cir. 1997)).

8       Accordingly, the Court **orders**:

- 9       1. The findings and recommendations issued on June 12, 2025 (Doc. 33) are **adopted**.
- 10      2. Respondent's motion to dismiss (ECF No. 22) is **granted**.
- 11      3. The petition for writ of habeas corpus (ECF No. 1) is **dismissed with prejudice**.
- 12      4. The Clerk of Court is **directed** to close the case.

13       This order resolves ECF No. 33.

14       IT IS SO ORDERED.

15       DATED: August 1, 2025.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
UNITED STATES DISTRICT JUDGE